

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RASHID ASH-SHEIKH JUNAID, )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )       No. 4:04CV57CDP  
v.                            )  
                                  )  
                                  )  
GARY KEMPKER, et. al.,     )  
                                  )  
Defendants.                 )

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS TWO  
CLAIMS FOR FAILURE TO EXHAUST**

COMES NOW Plaintiff, by and through undersigned counsel, and for his Response to Defendants' Motion to Dismiss Two Claims for Failure to Exhaust, states as follows:

Plaintiff agrees to dismiss two of the claims brought in Plaintiff's complaint which are the subject of Defendants' pending Motion to Dismiss. Those two claims are 1) that Defendants unlawfully used the grievance procedure to suppress the Muslim community; and 2) that each Defendant is charged with conspiracy to conceal the violations of Plaintiff's civil rights, and to make false documentation of those crimes.

Plaintiff agrees to dismiss only the two claims cited in Defendants' pending Motion to Dismiss. Plaintiff does not agree to dismiss the remaining claims contained in Plaintiff's complaint which are not the subject of Defendants' pending Motion to Dismiss.

WHEREFORE Plaintiff prays that this Honorable Court issue its Order dismissing the two claims of Plaintiff's complaint cited herein and for any other relief this Court deems appropriate.

Respectfully submitted,

GOLDBERG WEHRLE LLC

/s/ J. Christopher Wehrle

By: \_\_\_\_\_  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2007, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Dana C. Ceresia  
Assistant Attorney General  
State of Missouri  
P.O. Box 861  
St. Louis, Missouri 63188

*Attorneys for Defendants*